

Before the
Federal Communications Commission
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Review of the Commission's Regulations)

Governing Television Broadcasting)

MM Docket No. 91-221

REPLY COMMENTS of THE JET BROADCASTING CO., INC.

The comments of The JET Broadcasting Co., Inc., filed August 24, 1992, were restricted to the cross-ownership rules relating to radio and television ownership in the same market. In these comments we enthusiastically supported the Commission's proposal providing for elimination of the television-radio cross-ownership rules for all markets.

We have subsequently reviewed the comments of other interested parties filed with the Commission. JET Broadcasting supports particularly, the comments of Westinghouse Broadcasting. Their case for repeal of the radio-television cross-ownership rule (Item 2-IV Summary and pages 12 through 17), in the opinion of respondent, very accurately mirrors the radio-television industry as it exists today. Westinghouse notes we have a "virtually transformed" market place that is far more competitive and diverse. In a sense, this is as true in Erie, Pennsylvania, the 140th market, as it is in Pittsburgh, the 17th market. Erie has thirteen radio stations with an audience share of at least 1%, and Pittsburgh has seventeen radio stations with an audience share of 1% or greater. The population per radio station in Erie is 20,536, and in Pittsburgh it is 67,464. Pittsburgh has six commercial, over the air television stations (excluding LPTV stations), while Erie has four over the air stations (excluding LPTV stations). Erie has one public television station, compared to Pittsburgh's two stations.

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Surely, Pittsburgh has more diverse interests within its large population base, and an enormously greater reservoir of advertising dollars necessary to support these services. And each market has cable/television offering 35 to 105 channels. There is clearly little practical difference in the diversity of media between the large markets in which Westinghouse operates and markets such as Erie, especially given the lesser need for diversity in a smaller, more homogenous population.

Clearly, as Chairman Sikes remarked, "Radio is a very small "fish" in a very large pond".

If the existing radio ownership rules are not applied to television operators, those who now own radio stations will become second-class citizens -- and this is even more true in the smaller markets. Our industry began with radio; television was built largely by established radio station operators who, as Westinghouse states, number among the most committed long-time broadcasting entities in their respective markets. As Westinghouse, Cap-Cities ABC, and CBS number among the finest public service-oriented operators in major markets, so do a great majority of the smaller entities such as JET Broadcasting that have on a long-time basis, operated radio and television in the small markets. The major and minor players in this great "sea" of services should be treated alike -- with a policy that will allow existing television stations in every size market to either attain a position in radio, or in the case of an existing station, to maintain a viable radio position. JET Broadcasting will be seriously disadvantaged if it is not permitted to match the zeal of its competitors in acquiring the number of radio stations necessary to remain competitive. Such disadvantage will harm JET's existing television, and very likely impact negatively on local ownership in the Erie Market.

Finally, the example of Group W combining its radio and television stations in Boston to share news and programming sources, applies no less to WJET-TV and WJET Radio in Erie, Pennsylvania. The benefits to the public are similar, and the economies of scale more necessary in Erie. And denying multiple radio ownership benefits of additional radio stations will effectively remove the intent of the Commission's radio ownership rule relaxation to JET Broadcasting, if the TV-Radio ownership rule is not relaxed for all markets.

The comments of the NATIONAL ASSOCIATION OF BROADCASTERS are, in the opinion of this respondent, clearly wrong in the sense they advocate a relaxation only when 15 or more independent voices will remain. The number of voices from over the air stations is not the important factor. Of much greater importance is the quality and local viability of the voices. Where the number of voices are smaller, so too are the advertising dollars necessary to support their viability and the more necessary the economies of scale, and the fact that it is more necessary for radio stations to offer a broader audience spectrum in small markets than in large, where "niche" programming efforts can be successful.

Very likely many of the commentators who advocate a 15 or 30-voice cut-off have little knowledge and no interest in the smaller markets. Instead, they are perhaps giving a nod to regulation in areas that will not frustrate their goals. The NAB should be better informed!

Respectfully submitted,

THE JET BROADCASTING CO., INC.

Myron Jones, Chief Executive Officer

Date: September 23, 1992

CERTIFICATE OF SERVICE

I, Sheila B. Simms, hereby certify that on this 23rd day of September, 1992, copies of the foregoing **REPLY COMMENTS of THE JET BROADCASTING CO., INC.** were hand delivered or mailed, first class postage prepaid, to the following:

Henry L. Baumann, Esquire
National Association of Broadcasters
1771 N Street, N.W.
Washington, D.C. 20036



Sheila B. Simms